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**UNITED STATES DISTRICT COURT**

**SOUTHERN DISTRICT OF CALIFORNIA**

**EDWARD J. SCHWARTZ COURTHOUSE**

AMCO INSURANCE COMPANY,

Plaintiff,

v.

GROHE AMERICA, INC., AND DOES 1 TO  
25, INCLUSIVE,

Defendants.

Case No. 08-CV-207 JLS (WMC)  
(SDSC Case No. 37-2007-00072924-CU-  
PL-CTL)

**NOTICE OF EARLY NEUTRAL  
EVALUATION CONFERENCE**

**DATE: March 7, 2008**  
**TIME: 9:30 A.M.**

Complaint Filed: August 10, 2007

**TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

**PLEASE TAKE NOTICE** that pursuant to the Notice and Order for Early Neutral Evaluation Conference, attached hereto as Exhibit "A", an Early Neutral Evaluation Conference has been scheduled in the above-entitled matter on **March 7, 2008, at 9:30 a.m.**, in the chambers of the Honorable William McCurine, Jr., United States Magistrate Judge, 940 Front Street, Courtroom C, San Diego, CA 92101.

DATED: February 19, 2008

**WORTHE HANSON & WORTHE**

By: 

TODD C. WORTHE, ESQ.  
Attorneys for Defendant, GROHE  
AMERICA, INC.

WORTHE HANSON & WORTHE  
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TELEPHONE: (714) 285-9600

**EXHIBIT “A”**

CALENDARED  
FILED: 3/7/08  
DUE: 2/29/08  
INITIALS: mkr

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

AMCO INSURANCE COMPANY, ) Case No. 08-CV-207 JLS (WMC)  
Plaintiff, ) **NOTICE AND ORDER FOR EARLY**  
v. ) **NEUTRAL EVALUATION CONFERENCE**  
GROHE AMERICA, INC. AND DOES 1 )  
TO 25, INCLUSIVE, )  
Defendants. )

**IT IS HEREBY ORDERED** that an Early Neutral Evaluation of your case will be held on **March 7, 2008** at **9:30 a.m.** in the chambers of the Honorable William McCurine, Jr., United States Magistrate Judge, 940 Front Street, Courtroom C, San Diego, California, 92101. **Absent extraordinary circumstances, requests for continuances will not be considered unless submitted in writing no less than fourteen (14) days prior to the scheduled conference.**

Pursuant to Local Rule 16.1(c) of the Local Rules of the United States District Court for the Southern District of California, **all named parties, all counsel, and any other person(s) whose authority is required to negotiate and enter into settlement**

1 **shall appear in person at the conference**, shall be prepared to  
2 discuss the claims and defenses, and shall be legally and factually  
3 prepared to discuss and resolve the case at the Early Neutral  
4 Evaluation conference. **Full authority to settle means that the**  
5 **individual present at the settlement conference has the unfettered**  
6 **discretion and authority to: 1) fully explore settlement options**  
7 **and to agree at that time to any settlement options; 2) agree at**  
8 **that time to any settlement terms acceptable to the parties; 3)**  
9 **change the settlement position of a party; and 4) negotiate**  
10 **monetary awards without being restricted to a specific sum certain.**

11 Where the suit involves the United States or one of its  
12 agencies, only United States counsel with full settlement authority  
13 need appear. **As to all other parties, appearance by litigation**  
14 **counsel only is not acceptable.**

15 Requests to be excused from attendance for **extraordinary**  
16 **circumstances** must be in writing and received by the Court at least  
17 **fourteen (14) days** prior to the conference. **Failure of required**  
18 **counsel and parties to appear in person will be cause for the**  
19 **imposition of sanctions.** Sanctions will include, but are not  
20 limited to, the attorney's fees and travel costs of the other  
21 parties in the case. In addition, the conference will not proceed  
22 and will be reset to another date. All conference discussions will  
23 be informal, off the record, privileged, and confidential.

24 Counsel for any non-English speaking parties is responsible  
25 for arranging for the appearance of an interpreter at the  
26 conference.

27 In cases where a party is **incarcerated** at the time of the  
28 scheduled conference, arrangements will be made for the

1 incarcerated party to appear telephonically.

2 The parties are required to submit a short Early Neutral  
3 Evaluation Conference Statement about the case on a confidential  
4 basis no later than **seven (7) days** before the conference.

5 Rule 26 of the Federal Rules of Civil Procedure shall apply to  
6 this case. All discovery shall be stayed until after the Rule  
7 26(f) conference, unless otherwise permitted by Rule 26(f) or court  
8 order.

9 In the event the case does not settle at the Early Neutral  
10 Evaluation Conference, the parties shall also be prepared to  
11 discuss the following matters at the conclusion of the conference:

12 1. Any anticipated objections under Federal Rule of Civil  
13 Procedure 26(a)(1)(E) to the initial disclosure provisions of  
14 Federal Rule of Civil Procedure 26(a)(1)(A-D);

15 2. The scheduling of the Federal Rule of Civil Procedure  
16 26(f) conference;

17 3. The date of initial disclosure and the date for lodging  
18 the discovery plan following the Rule 26(f) conference; and

19 4. The scheduling of a Case Management Conference pursuant  
20 to Federal Rule of Civil Procedure 16(b).

21 Plaintiff's counsel shall give written notice of the Early  
22 Neutral Evaluation Conference to parties responding to the  
23 complaint after February 7, 2008.

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28 ///

RECEIVED  
FILED  
DUE: 2/29/08  
INITIALS: nlr

1 Questions regarding this case may be directed to the  
2 Magistrate Judge's law clerk at (619) 557-6624.

3 **IT IS SO ORDERED.**

4  
5 DATED: February 7, 2008

6 

7 Hon. William McCurine, Jr.  
8 U.S. Magistrate Judge  
9 United States District Court

10 COPY TO:

11 HONORABLE JANIS L. SAMMARTINO, U.S. DISTRICT JUDGE  
12 ALL PARTIES AND COUNSEL OF RECORD  
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**NOTICE OF RIGHT TO CONSENT TO TRIAL**  
**BEFORE A UNITED STATES MAGISTRATE JUDGE**

IN ACCORDANCE WITH THE PROVISIONS OF 28 U.S.C. § 636(c), YOU ARE HEREBY NOTIFIED THAT A U.S. MAGISTRATE JUDGE OF THIS DISTRICT MAY, UPON THE CONSENT OF ALL PARTIES, ON FORM 1A AVAILABLE IN THE CLERK'S OFFICE, CONDUCT ANY OR ALL PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT. COUNSEL FOR THE PLAINTIFF SHALL BE RESPONSIBLE FOR OBTAINING THE CONSENT OF ALL PARTIES, SHOULD THEY DESIRE TO CONSENT.

YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT TO CONSENT IS ENTIRELY VOLUNTARY AND SHOULD BE COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE JUDGE TO WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF YOUR DECISION.

JUDGMENTS OF THE U.S. MAGISTRATE JUDGES ARE APPEALABLE TO THE U.S. COURT OF APPEALS IN ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES OF APPELLATE PROCEDURE.

**PROOF OF SERVICE**

STATE OF CALIFORNIA)

)ss

COUNTY OF ORANGE )

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 1851 East First Street, Ninth Floor, Santa Ana, California 92705.

On February 19, 2008, I served the foregoing document described as **NOTICE OF EARLY NEUTRAL EVALUATION CONFERENCE** to all interested parties in said action by:

☐ BY FACSIMILE TRANSMISSION from FAX No. (714)285-9700 to the FAX number(s) listed below. The facsimile machine I used complied with Rule 2003(3) and no error was report by the machine. Fax Number(s):

☐ BY PERSONAL SERVICE as follows: I caused such envelope to be delivered by hand to the offices of the addressee.

☒ BY MAIL as follows:

☒ placing ☐ the original ☒ a true copy thereof in a sealed envelope addressed as stated on the ATTACHED MAILING LIST.

☐ I deposited such envelope in the mail at Santa Ana, California. The envelope was mailed with postage thereon fully prepaid.

☒ I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Santa Ana, California in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one (1) day after date of deposit for mailing in affidavit.

☐ BY OVERNIGHT DELIVERY: I deposited such an envelope in a box or other facility regularly maintained by express service carrier, or delivered to an authorized courier or driver authorized by the express service carrier to receive documents in an envelope or package designated by the express service carrier with delivery fees paid or provided for, addressed to the person on whom it is to be served as indicated on the attached Service List, at the office address as last given by that person on any document filed in the case and served o the party making service.

☒ STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ FEDERAL - I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on February 19, 2008, at Santa Ana, California.

  
GINA M. FISHER



**SERVICE LIST**

AMCO INSURANCE V. GROHE AMERICA

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**ATTORNEYS FOR PLAINTIFF**